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Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants.

And Related Counterclaims

Case No.: CV 07-02952 WHA

**PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO
VACATE ORDER OF ARREST**

Defendants' Motion to Vacate the Order for the Arrest of the F/V POINT LOMA was
heard pursuant to Supplemental Admiralty Rule E (4)(f) on regularly noticed time on August
16, 2007 in Courtroom 9 of this Court, the Honorable William H. Alsup, presiding.

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1 The Court, having reviewed the parties' moving and opposing papers, finds that the
 2 plaintiff has met its burden to make a *prima facie* showing that reasonable grounds and
 3 probable cause existed to order the arrest of the Vessel, and to keep the Vessel under arrest.

4 The Court finds that the moving papers and evidence therein submitted by plaintiff,
 5 including its Verified Complaint and the Declarations of Joe Cappuccio and Joe Roggio, and
 6 the exhibits contained therein, satisfy the plaintiff's evidentiary burden applicable to a post-
 7 arrest hearing under Supplemental Admiralty Rule E (4)(f). The Court further finds that the
 8 *in personam* defendants Barry and Christene Cohen have failed to present any evidence that
 9 they have any interest in the vessel that would entitle them to the relief sought.

10 Based on these findings, the defendants' motion to vacate the order of arrest is
 11 DENIED.

12 IT IS SO ORDERED:
 13

14
 15 _____
 16 Honorable William Alsup
 17 United States District Court, Northern District
 18 of California

19 Submitted by:

20 COX, WOOTTON, GRIFFIN,
 21 HANSEN & POULOS, LLP
 22 Attorneys for Plaintiff
 23 DEL MAR SEAFOODS, INC.

24 By: 
 25 Max L. Kelley

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